

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEL ROBERT PRESCOTT,

Defendant.

CR 13–69–BLG–DWM

ORDER

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on December 12, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

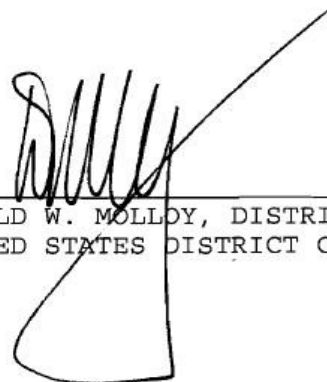
Judge Ostby recommended this Court accept Joel Robert Prescott’s guilty plea after Prescott appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), as charged in the Indictment.

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 31), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Joel Robert Prescott's motion to change plea (Doc. 21) is GRANTED.

DATED this 6th day of January, 2014.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT